From: Jason E Seegert
To: Microsoft ATR
Date: 1/23/02 2:22pm
Subject: Microsoft Settlement

To Whom It May Concern:

Having been a user of micro-computers for well over 12 years, and having been acquainted with many different operating systems, web browsers, and other various software packages, I would officially like to submit my comments on the Microsoft Anti-Trust Settlement.

As excerpted from the Court of Appeals Ruling "a remedies decree in an antitrust case must seek to 'unfetter a market from anti competitive conduct', to 'terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future" (section V.D., p. 99)."

Many in the public realm, including the Attorney General seem to agree that any settlement must seek to remedy the anti-competitive situation which has gone on for far too long with the Microsoft Corporation. I happen to fully agree with this statement, yet I have some reservations about the Proposed Final Judgement which has been presented the public for comment.

First, much of the wording (incl. definitions and provisions) in the Proposed Final Judgement is misleading to consumers, and in certain cases is overly narrow. This provides many loopholes by which Microsoft can, and will work around in order to maintain and strengthen further their monopoly.

Secondly, the PFJ does not attempt to remedy the anti-competitive licence terms which Microsoft currently includes with it's software. By not providing an restrictions on anti-competitive licence terms which prohibit the entry of open-source applications for Windows, and which do not allowed Windows applications to be run on open-source operating systems.

Third, many of the requirements of the PFJ will not restore competition to the included software markets. This issue deals with the requirements of releasing the APIs to other vendors so that competing products could not enter the market in time to compete with Microsoft's counterparts (i.e. Internet Explorer, Office, Media Player, etc.). Section III.D. of the PFJ requires Microsoft to release via MSDN or similar means the documentation for the APIs used by Microsoft Middleware Products to interoperate with Windows; release would be required at the time of the final beta test of the covered middleware, and whenever a new version of Windows is sent to 150,000 beta testers. But this information would almost certainly not be released in time for competing middleware vendors to adapt their products to meet the requirements of section III.H.3, which states that competing middleware can be locked out if it fails to meet unspecified technical requirements seven months before the final beta test of a new version of Windows.

For the reasons outlined above, I strongly believe that new, stronger, and yes....even HARSH language needs to be drafted to truly make this PFJ meet the requirements outlined by the Court of Appeals. Many of the states

involved in the settlement have proposed some more harsh pentalties, and many of them are not only viable, but desirable in order to return competition to the market. It is my sincere hope that Microsoft will not be allowed to wield its largesse and power over the DOJ. We need to send a strong message to Microsoft to let them know, that we as consumers and business do not agree with their practices, and that we feel they should be punished severely for it.

Most Sincerely,
Jason E Seegert